

South Metropolitan Cricket Association Incorporated

Constitution of Association



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1. Name of Association

The name of the Association is South Metropolitan Cricket Association (Incorporated).

2. Association colours and emblem

2.1. The Association colours shall be royal blue, light blue and gold.

2.2. The emblem of the Association shall be as follows:



3. Definitions

In these rules, unless the contrary intention appears:

“Annual General Meeting” is the meeting convened under rule 21.2 & 21.3 of the constitution;

“Association Council” means the body of member Presidents or delegates and the SMCA Executive Members;”

“by-laws” means any additional rules passed under rule 41.1 through to and including 41.1.12 of the constitution;

“Club Affiliation Fee” means the annual fee determined by the Association for the membership of a club pursuant to rule 10.1 to 10.2 of the constitution;

“Chairperson” means the person presiding at a meeting of the Association;

“convene” means to call together for a formal meeting;

“department” means the government department with responsibility for administering the Act;

“Executive meeting” means a meeting referred to in rule 26.1 through to 26.8 of the constitution;

“Executive member” means a person referred to in rules 13.1 through to 13.13 of the constitution;

“financial year” means a period not exceeding 15 months fixed by the Executive, being a period commencing on the date of incorporation of the Association and ending on 30 April, and thereafter each period commencing 1 May and ending on 30 April in the following year;

“Fixtures and Gradings Sub-Committee” means the sub-committee appointed under rule 32 of the constitution;

“general meeting” means a meeting to which all members are invited;

“life member” means a natural person admitted as a life member of the Association under rules 9.1 through to 9.10 of the constitution;

“Life Membership Sub-Committee” means the sub-committee appointed under rule 34 of the constitution;

“member” includes a member or member club of the Association, and where the context requires means the appointed delegate of a member club;

“member club” means a club which is a member of the Association;

“metropolitan area” has the same meaning as in the Planning and Development Act 2005;

“ordinary resolution” means a resolution other than a special resolution;

“Permits Sub-Committee” means the sub-committee appointed under rule 33 of the constitution;

“poll” means voting conducted in written form (as opposed to a show of hands);

“special general meeting” means a general meeting other than the Annual General Meeting;

“special resolution” has the meaning given by Section 24 of the Act, that is:

- (a) a resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the Association which are entitled under the rules of the Association to vote and vote in person or, where proxies or postal votes are allowed by the rules of the Association by proxy or postal vote, at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules;
- (b) at a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Association or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least 3 members of the Association present in person or, where proxies are allowed, by proxy; and
- (c) if a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared;

“south metropolitan area” means the metropolitan area south of the Swan River in Western Australia;

“Team Affiliation Fee” means the annual fee determined by the Association for registration of each team of a member club pursuant to rule 10.1 to 10.2;

“the Act” means the Associations Incorporation Act 1987 (WA);

“the Appeals Tribunal” means the tribunal hearing appeals from the P & D referred to in rule 31.1 of the constitution;

“the Association” means the association referred to in rule 1;

“the Commissioner” means the Commissioner for Consumer Protection exercising powers under the Act;

“the Executive” means the Executive of the Association referred to in rule 13.1 through to 13.13;

“the Junior Vice-President” means the person referred to in rule 13.1.3;

“the P & D” means the protests and disputes tribunal referred to in rule 31.1 ;

“the President” means the person referred to in rule 13.1.1;

“the Administrator” means the person referred to in rule 13.1.4;

“the Senior Vice-President” means the person referred to in rule 13.1.2;

“the Treasurer” means the person referred to in rule 13.1.5; and

“the Umpire’s Advisor” means the person referred to in rule 13.1.6.

4. Objects of Association

4.1 The primary object of the Association is to encourage the sport of cricket in the south metropolitan area;

4.2 The secondary objects of the Association are:

4.2.1 to arrange, control and manage fixtures for cricket matches between member clubs;

4.2.2 to settle all matters arising from cricket fixtures arranged, controlled or managed by the Association;

4.2.3 to regulate the conduct of member clubs and the players of member clubs;

4.2.4 to select, control and manage teams for cricket fixtures with representative teams from other cricket associations;

4.2.5 to affiliate with, establish or support or aid in the establishment or support of, any association, society, fund or movement which is calculated to benefit or promote the game of cricket;

4.2.6 to promote, organize and conduct entertainment, functions and other activities to raise funds for furthering the primary object of the Association;

- 4.2.7** to invest the monies of the Association not immediately required for any of its objects upon such securities and in such manner as may from time to time be determined;
- 4.2.8** to borrow or raise money or secure the payment of money in such manner and on such terms as the Association shall think fit and in particular to execute mortgages, bills of sale, charges or other securities or charges upon all or any of the Association's property (present and future or either) and to purchase, redeem, pay off or agree to a variation of all or any such securities or charges;
- 4.2.9** to purchase, take on lease or in exchange, hire or otherwise acquire or deal with for such consideration as may be thought fit any property or assets, real or personal or any rights or privileges which may be considered of benefit to the Association; and
- 4.2.10** to do all such other acts, matters and things as are incidental or conducive to the attainment of all or any of the primary or secondary objects of the Association.
- 4.2.11** The property and income of the Association shall be applied primarily towards the promotion of the primary object of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members except in good faith in the promotion of the primary or secondary objects of the Association.

5. Powers of Association

The powers of the Association are the same as those conferred by Section 13 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Association may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may:

- 5.1.** suspend, expel or terminate the membership of any member or member club of the Association;
- 5.2.** acquire, hold, deal with, and dispose of any real or personal property;
- 5.3.** open and operate bank accounts;

- 5.4.** invest its money:
 - 5.4.1.** in any security in which trust monies may lawfully be invested;
or
 - 5.4.2.** in any other manner authorised by the rules of the Association;
- 5.5.** borrow money upon such terms and conditions as the Association thinks fit;
- 5.6.** give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- 5.7.** appoint agents to transact any business of the Association on its behalf;
- 5.8.** enter into any other contract it considers necessary or desirable; and
- 5.9.** act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of the Association.

PART 2 – MEMBERSHIP

Division 1 – General

6. Qualifications for membership of Association

Any body corporate may become a member club, provided that:

- 6.1.** its principal object is the encouragement of the sport of cricket; and
- 6.2.** it conducts its activities principally in the south metropolitan area.
- 6.3.** A body that wishes to become a member club must apply for membership to the Executive in writing, in such form as the Executive from time to time requires.
- 6.4.** The Executive must consider each application made under 6.2 at an Executive meeting and must at that Executive meeting or the next Executive meeting either accept or reject the application.
- 6.5.** Any body that is currently a member club, but does not satisfy the requirements of rule 6.1 may continue to be a member club until its membership ceases under these rules.
- 6.6.** A natural person may become a life member of the Association under rule 9.1 through to 9.10.

7. New member clubs to nominate colours

- 7.1. A new member club must nominate its club colours immediately after acceptance of its application for membership, and prior to the first playing date of the first round of fixtures of the next Association cricket season, as determined by the Fixtures and Gradings Sub-Committee.
- 7.2. The Executive in its absolute discretion may refuse to accept the club colours nominated by a new member club.

8. Register of members of Association

8.1. **The Administrator, on behalf of the Association, must comply with Section**

27 of the Act by keeping and maintaining in an up to date condition a register of member clubs and their postal addresses and, upon the request of a member club, shall make the register available for the inspection of the member club and the member club may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.

- 8.2. The register must be so kept and maintained at the Administrator place of residence or at such other place as the members at a general meeting decide.

- 8.3. The Administrator must cause the name of a body which ceases to be a member club under rule 20.1 through to 20.1.5.a.3 to be deleted from the register of members referred to in rule 8.1.

9. Life membership

- 9.1. Life Membership may be awarded for significant contributions and exemplary service for the advancement of cricket to the South Metropolitan Cricket Association.
- 9.2. The criteria for consideration are as follows:
 - 9.2.1. Playing and representing the Association in inter-Association matches.
 - 9.2.2. Coaching/Managing Association teams.
 - 9.2.3. Administration of the Association
 - 9.2.4. Umpiring within the Association and representative level
 - 9.2.5. General contribution – including fund raising, supporting and any other criteria that a Committee may see as relevant that directly supports the Association.

- 9.3.** The nominee must have demonstrated outstanding contribution in at least one of these criteria or a combination of the criteria.
- 9.4.** Nominations for Life Membership must be forwarded in writing to the SMCA Administrator by the completion of the current cricket season. Nominations will then be considered by the Life Membership Sub Committee (Rule 34).
- 9.4.1.** Any member of the Association may nominate a person for Life Membership of the Association.
- 9.4.2.** Nominations should include the reasons for nominating the person for Life Membership as per the criterion given in Rule 9.2.
- 9.5.** In determining the level of significance, the Association's Life Membership Sub-Committee should consider this in light of very high quality service for the advancement of cricket. While a considerable length of time of service is important, the overall criterion is the quality of service.
- 9.6.** The Association's Life Membership Sub-Committee shall consider any nominations received at the end of the cricket season and recommend any nominations deemed suitable to Association Executive.
- 9.6.1.** The Association Executive will consider any nominations received from the Life Membership Sub-Committee.
- 9.6.2.** A nominated person(s) may not be present during the consideration on their recommendation for Life Membership
- 9.7.** A Life Member may attend any meeting of the Association. They may speak upon any motion but shall not have a vote, unless acting as a delegate of an Associated Club or Affiliated Body.
- 9.8.** A maximum of one new Life Member per year will be appointed unless exceptional or special circumstances exist.
- 9.9.** A new Life Member of the Association will be presented a Life Member's badge at the Association's Annual Presentation Night.
- 9.10.** Life Membership may be retracted where the recipients have conducted themselves or behaved in a manner that reflects directly and adversely on the image or activities of the Association. This provision will only be excised in exceptional circumstances and will require complete consensus of the Association Executive.

Division 2 – Obligations of Member Clubs

10. Affiliation fees and other monies owing to the Association

10.1. The Association shall, at the Annual General Meeting of the Association each year, determine the Club Affiliation Fee and Team Affiliation Fee payable by each member club for the cricket season following the relevant Annual General Meeting.

10.1.1. Each member club must pay the Club Affiliation Fee to the Treasurer, annually and prior to the first playing date of the first round of playing fixtures of the Association cricket season, as determined by the Fixtures and Gradings Sub-Committee.

10.1.2. Each member club must pay the Team Affiliation Fee to the Treasurer, annually and prior to the first day of November in each year.

10.2. Except where provided to the contrary in these rules, bylaws or the relevant tax invoices, all monies owing by a member club to the Association shall be deemed due and payable no later than 35 days from service of an invoice on the member club.

Suspension and Expulsion

10.3. If a member club:

- a) fails to pay monies due to the association by the due date and/or does not attend at 3 consecutive general meetings and/or otherwise contravenes rules
- b) The Executive may in absolute discretion, suspend or expel that member club. This rule does not remove member club's obligation to pay outstanding monies

Suspension

10.4. Where a member club has been suspended, that club will: Continue its suspension until outstanding monies are paid or until such time as the Executive considers the breach remedied, Not be permitted to participate in match's fixture by the Association; Have no voting rights at any Association meeting; Be able to appeal to the Protests, Disputes and Appeals Board against the Association's decision to suspend the club.

Expulsion

10.5. Where a member club has been expelled, that club may: Have its **membership terminated** Have its **readmission considered under (Rule 6.1 to 6.5)** Appeal to the Protests, Disputes and Appeals Board against the Association's decision to suspend the club.

11. Names of delegates

A member club shall, prior to each Annual General Meeting of the Association, submit to the Administrator the names of two delegates to represent and vote on behalf of that member club at general meetings of the Association.

12. Change of name

Any member club which changes its name shall give notice of the change in writing to the Administrator prior to the next Annual General Meeting of the Association.

PART 3 – MANAGEMENT

13. Executive

13.1. The affairs of the Association shall be managed by an Executive which shall be comprised of:

13.1.1. a President;

13.1.2. a Senior Vice-President;

13.1.3. a Junior Vice-President;

13.1.4. an Administrator;

13.1.5. a Treasurer;

13.1.6. an Umpire's Advisor; and

13.1.7. not less than 2 and not more than 6 other persons.

13.2. The Executive may award the Administrator, Treasurer, or Umpire's Advisor a salary in accordance with rule 38, these positions shall be appointed by the Executive prior to the Annual General Meeting and not subject to election;

13.3. The Executive may exercise all the powers of the Association to carry into effect all the objects of the Association, provided that such powers are not by these rules or by the Act required to be exercised by the Association Council or Association members in general meeting.

13.4. Executive members, other than those referred to in 13.2 must be elected to the Executive at an Annual General Meeting or appointed under rule 13.9.1

13.5. Subject to rules 13.9 and 23, an Executive member's term will be from his or her election at an Annual General Meeting until the election referred to in rule 13.4 at the next Annual General Meeting after his or her election, but

- 13.6.** A person who is eligible for election or re-election under this rule may:
- 13.6.1.** propose or second himself or herself for election or re-election; and
 - 13.6.2.** vote for himself or herself.
- 13.7.** If the number of persons nominated for election to a position the Executive does not exceed the number of vacancies for that position to be filled:
- 13.7.1.** the Administrator must report accordingly to; and
 - 13.7.2.** the person presiding must declare those persons to be duly elected to the relevant Executive position at, the Annual General Meeting concerned.
- 13.8.** If vacancies remain on the Executive after a declaration under rule 13.4, additional nominations to the Executive may be accepted from the floor of the Annual General Meeting. If the nominations from the floor in respect of a position of the Executive do not exceed the number of vacancies to be filled for that position, the person presiding must declare those persons to be duly elected as Executive members. Where the number of nominations from the floor exceeds the remaining number of vacancies in respect of an Executive position, an election for that position must be conducted.
- 13.9.** If a vacancy remains on the Executive after the application of rule 13.4 or when a casual vacancy within the meaning of rule 20 occurs on the Executive:
- 13.9.1.** the Executive may appoint a person to fill that vacancy; and
 - 13.9.2.** a member appointed under this rule shall:
 - a)** hold office until the election referred to in rule 13.4; and
 - b)** be eligible for election to the Executive, to the next following Annual General Meeting.
- 13.10.** The Executive may delegate, in writing, to one or more sub-committees (consisting of such persons as the Executive thinks fit) the exercise of such functions of the Executive as are specified in the delegation other than:
- 13.10.1.** the power of delegation; and
 - 13.10.2.** a function which is a duty imposed on the Executive by the Act or any other law.
- 13.11.** Any delegation under rule 13.10 may be subject to such conditions and limitations as to the exercise of that function or functions or as to time and circumstances as are specified in the delegation and the Executive may continue to exercise any function delegated.

13.12. The Executive may revoke wholly or in part any delegation under rule 13.10.1 & 13.10.2

13.13. Executive members may act as delegates to any other associations of which the Association itself may be a member.

14. President

14.1. Subject to this rule, the President shall preside at all general meetings and Executive meetings.

14.2. In the event of the absence from a general meeting of:

14.2.1. the President, the Senior Vice-President;

14.2.2. the President and the Senior Vice-President, the Junior Vice-President; or

14.2.3. the President, the Senior Vice-President and the Junior Vice-President, a member elected by the other members present at the general meeting, must preside at the general meeting or Association Council meeting.

14.3. In the event of the absence from an Executive meeting of:

14.3.1. the President, the Senior Vice-President;

14.3.2. the President and the Senior Vice-President, the Junior Vice-President; or

14.3.3. the President, the Senior Vice-President and the Junior Vice-President, an Executive member elected by the other Executive members present at the Executive meeting, must preside at the Executive meeting.

14.4. The President shall not act as a delegate of any member club, but in the case of an equality of votes at any meeting of the Association may exercise a casting vote in addition, such casting vote to be in addition to the President's deliberative vote in respect of an Executive meeting.

14.5. The President may convene Executive meetings.

14.6. If the President is unable to perform or exercise any of his or her powers, duties or functions under these rules:

14.6.1. the Senior Vice-President; or

14.6.2. in the Senior Vice-President's absence, the Junior Vice-President, shall perform or exercise all of those powers, duties or functions pro tem.

15. Senior Vice-President and Junior Vice-President

15.1. The Senior Vice-President and the Junior Vice-President shall assist the President in the execution of his or her duties and the maintenance of order at all meetings of the Association.

15.2. When presiding as Chairperson of any meeting of the Association, the Senior Vice-President or Junior Vice-President (as the case may be) may in the case of equality of votes, exercise a casting vote in addition to any deliberative vote he or she may have.

16. Administrator

16.1. The Administrator must:

16.1.1. co-ordinate the correspondence of the Association;

16.1.2. keep full and correct minutes of the proceedings of the Executive, the Association Council and the Association, and cause those minutes to be distributed to each Executive member and the secretaries of each member club within seven (7) days of the relevant meeting;

16.1.3. comply on behalf of the Association with:

16.1.3.a.1. Section 27 of the Act with respect to the register of members of the Association, as referred to in rule 8;

16.1.3.a.2. Section 28 of the Act by keeping and maintaining in an up to date condition the rules of the Association and, upon the request of a member, must make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and

16.1.3.a.3. Section 29 of the Act by maintaining a record of:

16.1.3.a.3.1. the names and residential or postal address of the persons who hold the offices of the Association provided for by these rules, including all offices held by the persons who constitute the Executive and persons who are authorised to use the common seal of the Association under 42.1 to 42.4; and

- 16.1.3.a.3.2.** the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Association, and the Administrator must, upon the request of a member of the Association, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;
- 16.1.3.a.4.** unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Association, including those referred to in rule 17.1.3 but other than those required by rule 17 to be kept and maintained by, or in the custody of, the Treasurer,
- 16.1.4.** ensure that all players are properly registered with the Association before playing in any fixture organised by the Association;
- 16.1.5.** verify all clearances from both within and outside the Association;
- 16.1.6.** be responsible for receiving and checking match reports from all Association fixtures and for the compilation of premiership points and tables;
- 16.1.7.** be responsible for maintaining player records;
- 16.1.8.** be responsible for receiving averages and advising member clubs of trophy and award winners;
- 16.1.9.** advise member clubs, in writing, of any fines accrued due to players being unqualified or unregistered, or any other fines relating to match reports;
- 16.1.10.** receive and consider permit applications and advise member clubs of such decisions;
- 16.1.11.** have custody of all Association documents and records relating to player registration, statistics and fixtures;
- 16.1.12.** be responsible for all matters related to publicizing the Association;
- 16.1.13.** ensure match results are lodged in sufficient time to allow their publication in the press;
- 16.1.14.** perform such other duties as are imposed by these rules on the Administrator.

17. Treasurer

17.1. The Treasurer must:

- 17.1.1.** be responsible for the receipt of all monies paid to or received by, or by him or her on behalf of, the Association and must issue receipts for those monies in the name of the Association;
- 17.1.2.** pay all monies referred to in rule 17.1.1 into such account or accounts of the Association as the Executive may from time to time direct;
- 17.1.3.** make payments from the funds of the Association with the authority of a general meeting or of the Executive and in so doing ensure that all cheques are signed by himself or herself and at least one other authorised Executive member, or by any two others as are authorised by the Executive;
- 17.1.4.** comply on behalf of the Association with Sections 25 and 26 of the Act with respect to the accounting records of the Association by:
 - a)** keeping such accounting records as correctly record and explain the financial transactions and financial position of the Association;
 - b)** keeping its accounting records in such a manner as will enable true and fair accounts of the Association to be prepared from time to time;
 - c)** keeping its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and
 - d)** submitting to members at each Annual General Meeting of the Association accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year.
- 17.1.5.** whenever directed to do so by the President, submit to the Executive a report, balance sheet or financial statement in accordance with that direction;
- 17.1.6.** unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in rules 17.1.4 and 17.1.5; and
- 17.1.7.** cause the accounts of the Association to be audited by the auditor appointed under rule 21.6.4 for each financial year and present the Auditor's statement at each Annual General Meeting
- 17.1.8.** perform such other duties as are imposed by these rules on the Treasurer.

18. Match Day Referee

The Match Day Referee is to be contacted, by phone, on match days only, to resolve disputes arising where there are no official Association Umpire/s appointed and where the two captains cannot agree to make a decision and also to receive reports from unofficially appointed umpires only.

If the person making a report is not an officially appointed umpire, the details of the report must be conveyed, by phone, to the Match Day Referee at the completion of the days play. Ref. By-laws 19/i, 19/v, 20/ii, 20/v, 25/c, 63/c.

The decision of the Match Day Referee on all disputes shall be final.

19. Umpire's Advisor

19.1. The Umpire's Advisor shall:

- 19.1.1.** consider all applications for appointment as an Association umpire;
- 19.1.2.** be responsible for recruitment, training and development in connection with Association cricket umpiring;
- 19.1.3.** appoint umpires to as many Association fixtures as possible, as well as to any other matches as the Executive may require;
- 19.1.4.** be sole selector of umpires for Association finals fixtures;
- 19.1.5.** be reasonably available to member clubs to discuss Association umpiring;
- 19.1.6.** observe the performance of Association umpires;
- 19.1.7.** officiate, and receive payment for officiating, when necessary; and
- 19.1.8.** perform other such duties as may be required under these rules.

20. Casual vacancies in membership of Executive

20.1. A casual vacancy occurs in the office of an Executive member or other office bearer and that office becomes vacant if the Executive member or office bearer:

- 20.1.1.** dies;
- 20.1.2.** resigns;
- 20.1.3.** is convicted of an offence under the Act;
- 20.1.4.** is permanently incapacitated by mental or physical ill-health;
- 20.1.5.** is absent from more than:

- 20.1.5.a.1.** 3 consecutive Executive meetings; or
- 20.1.5.a.2.** 3 Executive meetings in the same financial year without tendering an apology to the person presiding at each of those Executive meetings, of which the Executive member received notice, and the Executive has resolved to declare the office vacant; or
- 20.1.5.a.3.** is the subject of a resolution passed by a general meeting of members terminating his or her appointment as an Executive member.

PART 4 – MEETINGS

Division 1 – General Meetings

21. General meetings

The Executive:

- 21.1.** may at any time convene a special general meeting;
- 21.2.** must convene Annual General Meetings within the time limits provided for the holding of such meetings by Section 23 of the Act, that is, in every calendar year within 4 months after the end of the Association’s financial year or such longer period as may in a particular case be allowed by the Commissioner; and
- 21.3.** must, within 30 days of receiving a request in writing to do so from not less than four (4) member clubs, convene a special general meeting for the purpose specified in that request.
- 21.4.** The member clubs making a request under rule 21.3 must:
 - 21.4.1.** state in that request the purpose for which the special general meeting concerned is required; and
 - 21.4.2.** ensure that request is signed by an authorised representative of the member club.
- 21.5.** If a special general meeting is not convened within thirty (30) days of a request under rule 21.3 the member clubs who made the request concerned may themselves convene a special general meeting as if they were the Executive.

21.6. The Administrator must give to all member clubs not less than fourteen (14) days notice of a all general meetings and that notice must specify:

- 21.6.1.** when and where the general meeting concerned is to be held;
- 21.6.2.** particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted; and
- 21.6.3.** specifics of any special resolutions to be proposed at the general meeting.
- 21.6.4.** At each Annual General Meeting of the association, an auditor shall be appointed to audit the accounts of the Association

22. Quorum and proceedings at general meetings

At a general meeting 50% of member clubs shall constitute a quorum.

23. Voting rights of members of Association

Subject to these rules, each member club present in person or by proxy at a general meeting is entitled to a deliberative vote.

24. Proxies of members of Association

24.1. A member (in this rule called “the appointing member” may appoint in writing a natural person to be the proxy of the appointing member and to attend, and vote on behalf of the appointing member at, any general meeting.

- 24.1.1.** If a member club does not attend three (3) consecutive general meetings convened under Rule 21.1, that member club is liable to a fine and its membership may be suspended or expelled.

25. Order of Business

Where applicable to the Annual General Meeting or Special General Meeting, the Order of Business shall be:-

- Reading and Confirmation of Minutes
- Correspondence
- Reports
- Financial Statement
- Accounts
- Election of Officers
- Motions on Notice
- Notices of Motion
- General Business

Division 2 – Executive Meetings

26. Executive meetings

- 26.1.** The Executive shall meet together for the dispatch of business at least monthly during the period commencing in September and expiring in May of each year.
- 26.2.** The President, or at least half of the persons comprising the Executive, may at any time convene a meeting of the Executive.
- 26.3.** Each Executive member including the Administrator, Treasurer and Umpire’s Advisor shall have a deliberative vote.
- 26.4.** A question arising at an Executive meeting shall be decided by a majority of votes.
- 26.5.** Subject to these rules, the procedure and order of business to be followed at an Executive meeting must be determined by the person presiding at that Executive meeting.
- 26.6.** As required under Sections 21 and 22 of the Act, an Executive member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Executive (except if that pecuniary interest exists only by virtue of the fact that the Executive member is a member of a class of persons for whose benefit the Association is established), must:
- 26.6.1.** as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Executive; and
- 26.6.2.** not take part in any deliberations or decision of the Executive with respect to that contract.
- 26.7.** Rule 26.6 does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the Executive member is an employee of the Association.
- 26.8.** The Administrator must cause every disclosure made under rule 26.6 by an Executive member to be recorded in the minutes of the meeting of the Executive at which it is made.

27. Order of Business

Where applicable to the Executive Meetings the Order of Business shall be:-

Reading and Confirmation of Minutes
Correspondence
Reports
Financial Statement
Accounts
General Business

28. Quorum

At an Executive meeting quorum is constituted by the presence of more than half of all Executive members.

29. Playing Format

The Executive shall decide the playing format for each season prior to the drawing of fixtures

Division 3 – Pecuniary Interests

30. Pecuniary Interests

As required under Sections 21 and 22 of the Act, a member club or Executive member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Association (except if that pecuniary interest exists only by virtue of the fact that the person is a member of a class of persons for whose benefit the Association is established), must:

- 30.1.** as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the person presiding at that meeting; and
- 30.2.** not take part in any deliberations or decision of the Meeting with respect to that contract.
- 30.3.** Rule 30 does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member club or Executive member is an employee of the Association.
- 30.4.** The Administrator must cause every disclosure made under rule 30 by a member club or Executive member to be recorded in the minutes of the meeting of the Association at which it is made.

PART 5

31. Sub-Committees, Boards And Tribunals

The following sub-committees, boards and tribunals shall be appointed by the Executive at the first Executive Meeting after the Annual General Meeting:

- 31.1.** the P & D;
- 31.2.** the Fixtures and Gradings Sub-Committee;
- 31.3.** the Permits Sub-Committee;
- 31.4.** the Life Membership Sub-Committee and;
- 31.5.** any other sub-committees deemed necessary.

32. Fixtures and Gradings Sub-Committee

The Fixtures and Gradings Sub-Committee shall be made up from members of the Executive who shall determine the format, playing dates, structure and all fixtures for the next Association cricket season.

33. Permits Sub-Committee

The Permits Sub-Committee shall be appointed annually and shall determine all applications for playing permits of any nature allowed under these rules or any by-laws of the Association.

34. Life Membership Sub-Committee

The Life Membership Sub-Committee shall be made up of at least three members of the Association who will consider any nominations received at the end of the cricket season (Rule 9).

PART 6 – MISCELLANEOUS

35. Notices

All member clubs must be given at least 14 days notice in writing of all general meetings including the Annual General Meeting. The notice is deemed to be received according the following media:

- (a)** Email – at the time the email was sent by the author.
- (b)** Facsimile – at the time the facsimile was transmitted.
- (c)** Mail – The next business day after the mail is postmarked.

36. Patron

The Patron and/or Vice Patrons are appointed at the Annual General Meeting

37. Umpires

37.1. Applications to become umpires must be made in the prescribed manner.

37.2. Before the commencement of the season, the Umpires Adviser shall recommend to the Executive the schedule of Umpires fees for the coming season. The proposed fee structure shall be presented to the member Clubs at a General Meeting for ratification.

38. Salaries

Salaries shall be authorised at the Annual General Meeting.

39. Fines

Fines may be imposed on member clubs for the breach of these Rules or By-Laws and detailed in By-Laws Rule 69.

40. Rules of Association

40.1. The Association may alter or rescind the constitution, or make rules additional to these rules, in accordance with the procedure set out in Sections 17, 18 and 19 of the Act, which is as follows:

40.1.1. subject to rules 40.1.4 and 40.1.5, the Association may alter its rules by special resolution but not otherwise;

40.1.2. within one month of the passing of a special resolution altering its constitution, or such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Executive certifying that the resolution was duly passed as a special resolution and that the rules of the Association as so altered conform to the requirements of the Act;

40.1.3. an alteration of the constitution of the Association does not take effect until rule 40.1.2 is complied with;

40.1.4. an alteration of the constitution of the Association having effect to change the name of the Association does not take effect until rules 40.1.1 to 40.1.2 are complied with and the approval of the Commissioner is given to the change of name; and

to alter the objects or purposes of the Association does not take effect until rules 40.1.1 to 40.1.2 are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

- 40.2.** This constitution binds every member and the Association to the same extent as if every member and the Association had signed and sealed this constitution and agreed to be bound by its provisions.

41. Power to make by-laws

- 41.1.** The Executive may resolve to add, modify or delete by-laws in such manner as:

- 41.1.1.** Playing Conditions in Cricket Matches;
- 41.1.2.** Rules Pertaining to Two Day Matches;
- 41.1.3.** Rules Pertaining to One Day Matches;
- 41.1.4.** Rules Pertaining to Finals;
- 41.1.5.** Inter Association Matches;
- 41.1.6.** Registrations, Clearances and Permits;
- 41.1.7.** Fixtures and Grading;
- 41.1.8.** Umpires;
- 41.1.9.** Pennants and Trophies;
- 41.1.10.** Rules Pertaining to Protest, Disputes and Appeals Board;
- 41.1.11.** Rules Pertaining to fines;
- 41.1.12.** and any other matter which relates to or affects the Association.

42. Common seal of Association

- 42.1.** The Association must have a common seal on which its corporate name appears in legible characters.
- 42.2.** The common seal of the Association must not be used without the express authority of the Executive and every use of that common seal must be **recorded in the minute book referred to in 16.1.3.a.3.1**
- 42.3.** The affixing of the common seal of the Association must be witnessed by any two of the President, the Administrator and the Treasurer.

- 42.4** The common seal of the Association must be kept in the custody of the

Administrator or of such other person as the Executive from time to time decides.

43. Inspection of records, etc of Association

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

44. Association to wind up where less than six member clubs remain

The Association shall automatically wind up in the event that the Association has less than six member clubs.

45. Distribution of surplus property on winding up of Association

If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members.